

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

In re application of:

Norio Chujo et al.

Application No.: 09/930,806

Filed: August 15, 2001

For: Optical Modules and Methods of  
Making the Optical Modules

Examiner: Stephone B. Allen

MAR 17 2005

Art Unit: 2878

**OFFICE OF PETITIONS**

**PETITION FOR WITHDRAWAL  
FROM ISSUE UNDER 37 C.F.R. §  
1.313(a)**

**Attn: Petitions Office**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.313(a), Applicants hereby petition for the withdrawal of this application from issue. This request for withdrawal from issue is being filed in order that references submitted in an Information Disclosure Statement by way of a request for continued examination (RCE) can be considered by the Examiner. The necessity for the instant petition is based on the following course of events:

- On October 5, 2004, a Notice of Allowance was mailed.
- On January 4, 2004, the issue fee was mailed to the PTO.
- On February 28, 2005, the undersigned was informed by the client of references cited in an EPO Search Report. The client has not provided the search report.

Please charge the fee of \$130.00 under C.F.R. § 1.17(h) to the undersigned's  
Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the  
above deposit account, (see Fee Transmittal submitted in duplicate).

Respectfully submitted,



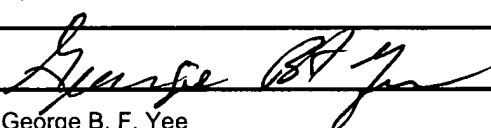
George B. F. Yee  
Reg. No. 37,478

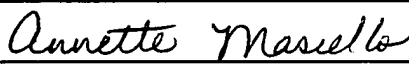
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400 Fax: (650) 326-2422  
GBFY:cm

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/930,806
	Filing Date	August 15, 2001
	First Named Inventor	Chujo, Norio
	Art Unit	2878
	Examiner Name	Stephone B. Allen
Total Number of Pages in This Submission	Attorney Docket Number	16869N-03110006

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	George B. F. Yee		
Date	March 8, 2005	Reg. No.	37,478

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being hand-delivered via Annette Masiello or Rayline Pettit of Annette Masiello Patent and Trademark Service, addressed to: Commissioner for Patents, MailStop Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Annette Masiello	Date	3/9/05

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130

### Complete if Known

Application Number 09/930,806  
Filing Date August 15, 2001  
First Named Inventor Chujo, Norio  
Examiner Name Stephone B. Allen  
Art Unit 2878  
Attorney Docket No. 16869N-031100US

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### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Small Entity		SEARCH FEES Small Entity		EXAMINATION FEES Small Entity		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
-3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

#### 4. OTHER FEE(S)

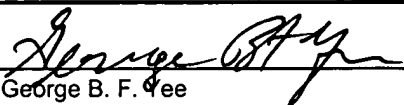
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee

Fees Paid (\$)

130

### SUBMITTED BY

Signature		Registration No. 37,478 (Attorney/Agent)	Telephone 650-326-2400
Name (Print/Type)	George B. F. Fee		Date March 8, 2005

Effective on 12/08/2004.  
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☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

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Total Claims -20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Fee (\$) Fee Paid (\$)  
HP = highest number of total claims paid for, if greater than 20  
Indep. Claims -3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Fee (\$) Fee Paid (\$)  
HP = highest number of independent claims paid for, if greater than 3

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Total Sheets - 100 = \_\_\_\_\_ Extra Sheets / 50 = \_\_\_\_\_ Number of each additional 50 or fraction thereof x \_\_\_\_\_ Fee (\$) Fee Paid (\$)

#### 4. OTHER FEE(S)

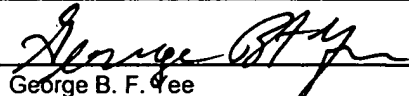
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee

Fees Paid (\$)

130

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,478	Telephone 650-326-2400
Name (Print/Type)	George B. F. Fee		Date March 8, 2005